

**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

**RECEIVED**  
**MAR 24 2004**

Case No. 5416  
Date Filed 3-23-04  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$450<sup>00</sup>

*Shaded Areas for Office Use Only*

**Type of Application**

**Nature of Request and Section(s) of Code**

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

CASE 5416 MAP 38 TYPE Variance

ELECTION DISTRICT 4 LOCATION 3408 Widows Care Road, Fallston, Md. 21047

BY John and Gail Lord

Appealed because a variance pursuant to Section 267-26C(4) of the Harford County Code to allow an existing barn within the front yard setback in an Agricultural District requires approval by the Board.

*NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.*

**Applicant/Owner (please print or type)**

Name John & Gail Lord Phone Number 410 692-6006  
Address 3408 Widows Care Fallston MD 21047  
*Street Number Street City State Zip Code*

Co-Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

## Land Description

Address and Location of Property 3408 W. Jones Cove, Fallston 21044

Subdivision CHARLES STREET PT 106/90 Lot Number 3

Acreage/Lot Size 11.16 AC Election District 4 Zoning Ag

Tax Map No. 0038 Grid No. 0001F Parcel 0087 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: house - Equipment barn

Estimated time required to present case: 20 min

If this Appeal is in reference to a Building Permit, state number 03206B0140

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☐

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

## Request

VARIANTE To allow Pole BEEN IN FRONT  
1/4 MI SET BACK

## Justification

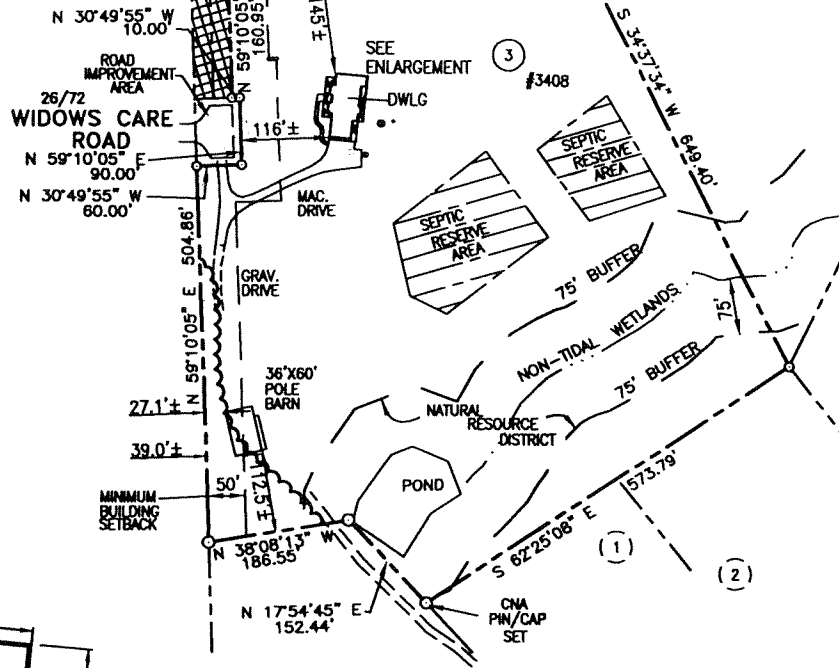
See attached memo

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

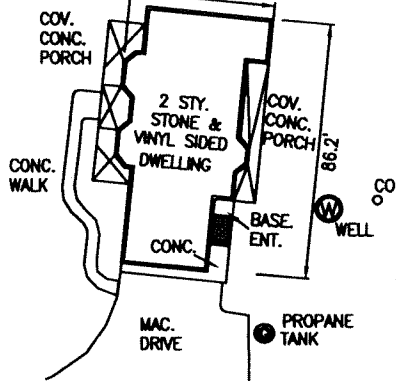
After applying for our permit, it was our intentions we were within zoning limits. We knew we had to stay off 60' of property line. It was not until after applying for permit, taking plans and permit to builder (leaving the rest to his expertise) and receiving approvals throughout all stages of construction that we found the building fell within a "front yard set back". We knew nothing of this type of boundary. We saw this as the side/rear line to our property. The property adjacent to said building is wooded and is to the back yard property of each adjacent property owner. We needed the building to house recreational vehicles, yard and farm equipment, while keeping a neat appearance for our home and to comply with our covenant. We also planned in the spring to plant Leland pines along the buildings edge on the neighboring side.

We understand this is not the fault of our builder or the inspectors of Harford County. We feel it fell into our ignorance of not understanding the zoning requirements. We are asking at this time that your office approve the counties recommendation in this variance.

NORTH PER PLAT:  
106/90



ENLARGEMENT: 1"=50'  
48.2'



THIS LOCATION DRAWING HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND BOARD OF PROFESSIONAL LAND SURVEYORS MINIMUM STANDARDS OF PRACTICE. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING; IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; IT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING; THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THERE ARE NO ENCROACHMENTS ON ANY ADJOINING PREMISES, STREETS, OR ALLEYS AND NO ENCROACHMENTS OF ANY BUILDINGS, STRUCTURES, OR ANY OTHER IMPROVEMENTS SITUATED ON ADJOINING PROPERTIES, EXCEPT AS SHOWN OR NOTED HEREON; THAT THE LOT SHOWN HEREON IS WITHIN ZONE(S) 'X' AS SHOWN ON THE F.L.R.M. MAP 24025C0128 A DATED 1/7/00; THAT NO TITLE SEARCH WAS PROVIDED FOR THIS CERTIFICATION; THAT THIS SURVEY IS VOID UNLESS ORIGINAL SEAL, SIGNATURE, AND DATE APPEAR HEREON. DIMENSIONS AS SHOWN, ARE WITHIN A TOLERANCE OF 2 FEET.

STATE OF MARYLAND  
THOMAS ROBERT STARK  
No. 7230  
REGISTERED  
LAND SURVEYOR  
*Thomas Stark*  
02-24-04  
UPDATED: 2/20/04

PLAT REF: 106/90  
CHECKED BY: T.R.S.

M:/BUILDERSERVICES/02000/02262-WIDOW'S CARE/02262FINALUPDATE.DWG DRAWN: 2/20/04

**CNA**  
engineers. surveyors & landscape architects

Civil Engineers \* Land Surveyors \* Geotechnical Engineers  
215 Bynum Road \* Bel Air, Maryland 21014-0850  
(410)879-7200 \* (410)838-2784 \* Fax(410)838-1811

LOCATION DRAWING  
LOT 3  
SECOND REVISED FINAL PLAT  
CHARLES STREET

ELECTION DIST. NO. 4	HARFORD CO., MD
SCALE: 1" = 200'	DATE: 12/2/02
DRAWN BY: DMD	JOB NO.: 02262

**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



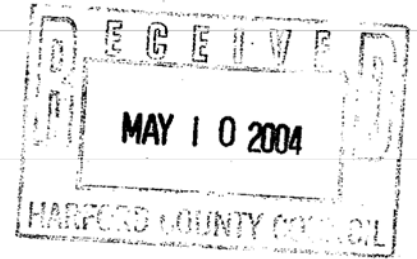
**J. STEVEN KAH-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## **HARFORD COUNTY GOVERNMENT**

### **Department of Planning and Zoning**

May 7, 2004

#### **STAFF REPORT**



#### **BOARD OF APPEALS CASE NO. 5416**

**APPLICANT/OWNER:** John and Gail Lord  
3408 Widows Care Road, Fallston, Maryland 21047

**REPRESENTATIVE:** Applicants

**LOCATION:** 3408 Widows Care Road/Charles Street Subdivision  
Tax Map: 38 / Grid: 1F / Parcel: 37 / Lot: 3  
Election District: Fourth (4)

**ACREAGE:** 11.16 acres

**ZONING:** AG/Agricultural

**DATE FILED:** March 23, 2004

**HEARING DATE:** May 19, 2004

#### **APPLICANTS' REQUEST and JUSTIFICATION:**

##### **Request:**

"Variance to allow pole barn in front yard setback."

##### **Justification:**

See Attachment 1.

*Preserving our values, protecting our future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • [www.co.ha.md.us](http://www.co.ha.md.us)

*This document is available in alternative format upon request.*

## STAFF REPORT

Board of Appeals Case Number 5416

John & Gail Lord

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### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-26C(4) of the Harford County Code to allow an existing barn within the front yard setback in an AG/Agricultural District.

Section 267-26C(4) of the Harford County Code reads:

- (4) *No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in Section 267-23C, Exceptions and modifications to minimum yard requirements.*

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicants' property is located on the east side of Fallston Road (MD Route 152) in the development of Charles Street. It is situated at the end of Widows Care Road, which ends in a large T-turn around. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designations in this area of the County are Agricultural/AG Residential and Rural Residential. The Natural Features map reflects stream buffer systems. The subject property is located in the Rural Residential designation, which is defined by the 1996 Master Plan as:

**Rural Residential** – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 4 and 5).

#### **Land Use – Existing:**

The existing land uses in the area conform to the intent of the Master Plan. The predominant land use is agriculture, which includes cropland, pastureland and dense woodland. There are several single-family residential subdivisions located in the area. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The subject lot is located at the end of Widows Care Road. The road ends in a large T-turn around. The property is unusually shaped and is 11.167 acres in size. The topography is typical for the area, ranging from rolling to steep. Improvements consist of a stone and frame two-story

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John & Gail Lord

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dwelling with attached two-car garage. Other improvements include a blacktopped driveway, a pole building and well and septic system. Enclosed with the report is an enlargement of the aerial photograph and site photographs (Attachments 7 and 8).

### Zoning:

The zoning classifications in the area conform to the intent of the 1996 Land Use Plan and the existing land uses. The predominant zoning classifications in the area are AG/Agricultural, and RR/Rural Residential. The subject property is zoned AG/Agricultural and abuts an area of RR/Rural Residential. Enclosed with the report is a copy of the Zoning Map (Attachment 9).

### Zoning Enforcement:

This request is the result of a Zoning Enforcement investigation. The Department of Planning and Zoning received a complaint on December 23, 2003 that a 40-foot storage trailer was parked on the property without a permit, as well as an untagged vehicle. During the inspection of the property, the location of the pole building was also raised as an issue. Enclosed with the report is a copy of the Enforcement file for informational purposes only (Attachment 10).

### SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-26C(4) of the Harford County Code to allow an existing barn within the front yard setback in an AG/Agricultural District.

Section 267-26C(4) of the Harford County Code reads:

- (4) *No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in Section 267-23C, Exceptions and modifications to minimum yard requirements.*

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

This Department finds that the subject property is unique. The lot sits at the end of Widows Care Road, and because the road ends in a large T-turn around, a 50-foot front yard setback was established on all sides of the T-turn around, and also across the entire frontage of the lot. The lot line would typically be regulated as a side lot line. A side lot line would only require a 10-foot setback for an accessory structure. The front of the Applicants' property looks into the side and rear yards of the adjoining lots. Accessory structures on the adjacent lots can go as close as

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John & Gail Lord

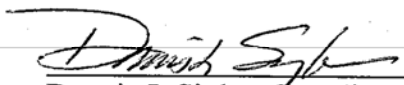
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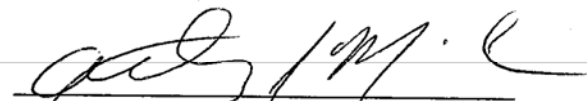
10-feet from the Applicants' lot. The location of the subject building should have no adverse impact on the adjacent properties or the intent of the Code.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the building.
2. The garage/storage building shall be for the personal use of the Applicants.
3. The building shall not be used in the furtherance of any business.
4. The building shall not be used for the storage of commercial vehicles and/or contractor's equipment.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/ka